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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 || TRACEY A. SEAY,

*Petitioner,*

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2:12-cv-00005-KJD-PAL

## ORDER

12 || STATE OF NEVADA, *et al.*

### *Respondents.*

15 This represented habeas matter under 28 U.S.C. § 2241 comes before the Court for  
16 initial review of the amended petition (#6). Following such review, service of this order and  
17 the amended petition will be directed for a response.

18 IT THEREFORE IS ORDERED that the Clerk shall forward a copy of both this order  
19 and the amended petition (#6) to the **Marshal** for service and that the Marshal shall effect  
20 personal service upon **District Attorney Steven B. Wolfson, at the Office of the District**  
21 **Attorney, 200 Lewis Avenue, Las Vegas, Nevada 89101**, or wherever he otherwise  
22 personally may be found most efficiently and promptly by the Marshal.

23 IT FURTHER IS ORDERED that the Clerk shall informally electronically serve the  
24 **Nevada Attorney General, Catherine Cortez-Masto**, with a copy of this order and of the  
25 amended petition (#6).

26 IT FURTHER IS ORDERED that, within **fourteen (14) days** of the respective service  
27 of this order, counsel with the respective respondents each shall enter a notice of  
28 appearance. Either or both counsel may reflect in their notice of appearance that counsel for

1 a particular respondent will be taking primary responsibility in responding to the petition.  
2 Counsel for the other respondent thereafter may defer to the counsel taking such primary  
3 responsibility for the response without the need for further filings particularly by that counsel.  
4 In other words, in the event that counsel for the District Attorney takes primary responsibility  
5 for responding to the petition, counsel for the Attorney General thereafter may merely monitor  
6 the file, or vice versa if the matter is handled differently.

7 IT FURTHER IS ORDERED, that, following the filing of the respective notice of  
8 appearance, the Clerk of Court, upon request of counsel, shall regenerate notices of  
9 electronic filing for all prior filings in the case. **The Court's intent is that respondents'**  
10 **counsel thereby promptly and efficiently may request and obtain copies of all filings**  
11 **in this matter prior to the notice of appearance.**

12 IT FURTHER IS ORDERED, that, within **thirty (30) days** of service on the respondent  
13 taking primary responsibility in responding, counsel shall file a response to the amended  
14 petition. **Counsel should note the observations at pages 1 to 2, with the supporting**  
15 **citations in note 1, in the prior order (#5) prior to raising any defenses premised upon**  
16 **lack of custody, abstention from federal review as to pending state criminal**  
17 **proceedings, and/or deferential review under the Antiterrorism and Effective Death**  
18 **Penalty Act (AEDPA).**

19 IT FURTHER IS ORDERED that petitioner shall have **thirty (30) days** to file an  
20 opposition if a motion to dismiss is filed or a reply if an answer is filed.

21 IT FURTHER IS ORDERED that counsel shall apprise the Court of the then-current  
22 state of proceedings in the challenged prosecution in each of their filings.

23 DATED: June 18, 2012



25  
26 KENT J. DAWSON  
27 United States District Judge  
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